IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Bail Appl..No. 1520 of 2007()

CRIME NO.25/2007 OF ARYANKODE POLICE STATION
.....

PETITIONER/2ND ACCUSED.

VINOD KUMAR V.S., S/O. VIJAYAN NAIR,
VITTIYODU, KUZHIVILA PUTHENVEEDU, MAILACHAL,
OTTASEKHARAMANGALAM P.O., NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENT: COMPLAINANT.

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1520 OF 2007 D

Dated this the 14th day of March, 2007

O R D E R

Petitioner, who is the second accused in Crime No.25/07 of Aryankode Police Station for offences punishable under sections 452, 354, 506(ii) and 427 read with section 34 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 5.30 p.m. on 4.2.07 the two accused persons criminally trespassed upon the house of the de facto complainant, a lady, and pushed her down from the cot on which she was lying and the second accused brandishing a knife threatened her that she would be done away with and the first accused smashed and thereby damaged the meter board installed in the house. The above offences were committed by the accused, who had gone there in search of the wife of the first accused as the accused, who were under the impression that the de facto complainant and the inmates of her house were hiding the wife of the first accused.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail considered by the Magistrate concerned.

Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 20.3.2007 and 22.3.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioner shall, thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

aks